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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,943	10/12/2000	Howard E. Rhodes	M4065.0112/P112-A	5424
24998	7590	02/06/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L STREET NW WASHINGTON, DC 20037-1526			NGUYEN, KHIEM D	
			ART UNIT	PAPER NUMBER

2823

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/686,943

Applicant(s)

RHODES, HOWARD E.

Examiner

Khiem D Nguyen

Art Unit

2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 60-83, 85-87, 89, 90 and 94-99.Claim(s) withdrawn from consideration: none.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_

**W. David Coleman**  
**Primary Examiner**

Continuation of 5. does NOT place the application in condition for allowance because: In response to Applicant's argument that Fan is entirely silent on "forming a radiation transparent insulation layer on the microlens for increasing the proportion of radiation incident on the pixel sensor cells by extending the light-capturing capabilities beyond a periphery area surrounding each individual microlens of the microlens array, wherein the insulation layer includes silicon insulator material, examiner respectfully disagree. If element 25 in FIG. 2 of Fan was not transparent to electromagnetic radiation, the microlens will be non-functional since the invention is directed to an image array optoelectronic fabrication (col. 2, line 42 to col. 3, line 39). Furthermore, since Fan anticipated forming an encapsulant layer (FIG. 2: 25) on the microlens array (FIG. 1: 24a, 24b, 24c, 24d) wherein the general groups of encapsulant materials including but not limited to inorganic encapsulant materials having an index of refraction of from about 1.1 to about 1.5 (col. 8, line 45 to col. 9, line 11). Presented as evidence, Scholz et al. (U.S. Patent 5,997,621) disclose an insulation layer consisting silicon dioxide having an index of refraction of 1.2 to 1.4 (col. 5, lines 30-39). Scholz provides evidence that Fan contains the limitation of forming a radiation transparent insulation layer on the microlens array wherein the insulation layer may consist of silicon oxide. Therefore, Fan discloses forming a radiation transparent insulation layer on the microlens array and thus the disclosure process would obtain the recited results in the independent claims because the same materials are treated in the same manner as in the instant invention.

For these reasons, examiner holds the rejection proper.